

Application No. 09/557,196  
Amendment "D" dated February 24, 2005  
Reply to Office Action mailed January 21, 2005

### REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on March 2, 2005. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The Final Office Action, mailed January 21, 2005, considered claims 1-19. Claims 1-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kurtz (U.S. Patent No. 5,574,440) in view of newly cited Macrae (U.S. Patent No. 6,745,391)<sup>1</sup>.

By this paper, each of the independent claims at issue (claims 1, 5 and 8) have been amended, along with dependent claim 19. Only one new claim, claim 20<sup>2</sup>, has been added and no claims have been cancelled, such that claims 1-20 remain pending for examination.

As discussed during the interview, Claim 1 is directed to a method for using a central management device to tune to channels that are requested by a user for display on a display device. The method includes receiving user input at the central device selecting a channel to be tuned to. It is then determined, from the electronic programming guide data stored at the central device, whether the signal is scrambled or not. If the signal is scrambled, it is routed from the central device to a descrambler where it is descrambled and tuned for display. If the signal is not scrambled, a tuner internal to the central device is used to tune the channel for display. Accordingly, as inferred above, and as further clarified during the interview, the scrambled and the non-scrambled signals need to be tuned prior to being displayed.

Claim 5 is directed to a corresponding computer program product for implementing the method of claim 1. Claim 8 is directed to a correspondingly similar apparatus for implementing the method of claim 1.

The primary reference, Kurtz is generally directed to a switch for enabling a user to control and recognize whether the programming is coming over a first (premium source) or a second (non-premium source). Summary. Kurtz fails, however, to disclose a system or method for actually "determining from electronic programming guide data stored at the central device whether the signal is scrambled or non-scrambled." As also clarified during the interview, Kurtz

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

<sup>2</sup> Support for this claim is found on Page 21, lines 16-20.

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also fails to teach that tuners located at the central device are used for performing the tuning of non-scrambled signals, as claimed. The reason for this is because the Kurtz device is essentially only a switching mechanism for controlling which signals are actually routed to the TV and VCR devices, which then use their own built in "programming and viewing features." In this manner, Kurtz is able to overcome the problem described as limiting TV and VCR control, channel selection and tuning from the TV and VCR devices themselves. (Background; Col. 2/8-36).

One benefit for tuning non-scrambled signals at the internal tuner of the central device, rather than using the tuner of the descrambler is because the internal tuner can be must faster, as claimed in new claim 20. (Again, as clarified during the interview, the tuning function is different than the descrambling function and a tuner is required for tuning even the non-scrambled signals.) The use of an internal tuner to tune to non-scrambled signals, however, is neither disclosed nor contemplated by Kurtz or the other cited art.

Macrae also fails to teach or suggest the claimed invention, either singly or in combination with Kurtz. Macrae was originally cited by the Examiner for the general proposition that an EPG can be used to detect whether a signal is scrambled or not. However, as clarified during the interview, Macrae actually fails to teach or show any system or method in which the EPG data is used to determine whether a signal is scrambled or not. Instead, Macrae is directed to a system that, upon determining that a scrambled signal is no longer scrambled, updates an EPG to reflect the change in a scrambled signal becoming non-scrambled. (Col. 1/54-65). For example, if HBO does a promotional to allow everyone to view their product, the user may not be aware of this. (Col. 1/37-43). Macrae provides a way for reflecting this changed status to a user through an EPG. However, it is not the EPG that makes this determination, as clarified during the interview. Instead, this determination is made by special detectors (Col. 11/17-20) and software applications (Col. 3/25-27) or from directly received information (Col. 11/35-38). It is then, only after first determining whether a signal is scrambled or not, that the EPG is updated to reflect that a scrambled signal is now no longer scrambled. (Col. 11/20-25; Col. 1/64-Col. 2/1

Accordingly, for at least the forgoing reasons, Applicants respectfully submit that the cited art fails to anticipate or make obvious the presently claimed invention in which electronic programming guide data stored at the central device is used to determine whether the signal is scrambled or non-scrambled and wherein the separate tuners located at the central device and

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descrambler are used for performing the tuning of the non-scrambled and scrambled signals, respectively, as claimed.

For at least these reasons, and others articulated during the interview, Applicants respectfully submit that the pending claims 1-20 are in condition for immediate allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 11 day of March, 2005.

Respectfully submitted,



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